

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21, 28-53, and 60-67 are pending, with Claims 1-19, 28-51, and 60-65 withdrawn as directed to non-elected inventions. Claims 20 and 52 have been amended; new Claims 66 and 67 have been added; and Claims 24, 26, 27, 56, 58, and 59 have been canceled without prejudice by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 20-21 and 52-53 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; Claims 24 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,023,304 to Hanai (hereafter “the ‘304 patent”) in view of U.S. Patent No. 6,002,810 to Wakisawa et al. (hereafter “the ‘810 patent”); Claims 27 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘304 patent in view of the ‘810 patent, further in view of U.S. Patent No. 5,933,257 to Kurita (hereafter “the ‘257 patent”); and Claims 26 and 58 were rejected under 35 U.S.C. § 103(a) over the ‘304 patent in view of the ‘810 patent, further in view of U.S. Publication No. 2004/0013310 to Suino et al. (hereafter “the 310 publication”).

First, Applicants wish to thank Examiner Kau for the courtesy of a personal interview granted to Applicants’ representatives on December 22, 2008, during which the outstanding rejections of Claims 20-21 and 52-53 were discussed. Specifically, Applicants’ representatives explained the claims and how they are supported by the specification. Amendments to further clarify the claims were discussed and are incorporated into the present amendment.

In response to the rejection of Claims 20-21 and 52-53 under 35 U.S.C. § 112, first paragraph, Claims 20 and 52 have been amended for purposes of clarity.

Claim 20 has been amended to recite that a first magnification unit magnifies data of a first component signal of the color image signals represented by a plurality of color component signals, and that a second magnification unit magnifies data of a second component signal of the color image signals. The second magnification unit magnifies the data of the second component signal ***based on a ratio and the magnified data of the first component signal*** magnified by the first magnification unit. The recited ratio is a ***ratio between the data of the first component signal of the color image signals to be magnified by the first magnification unit and the data of the second component signal of the color image signals to be magnified by the second magnification unit.***

Claim 52 has been similarly amended to clarify that separately magnifying data of a second component signal of the color image signals is based on a ratio and the magnified data of the first component signal magnified in the step of separately magnifying data of the first component signal. The ratio is between the data of the first component signal of the color image signals and the data of the second component signal of the color image signals.

Applicants respectfully submit that Claims 20 and 52 are fully supported at least by Figure 17 and associated text, and request that the rejections of Claims 20-21 and 52-53 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Applicants note that the outstanding Office Action did not reject Claims 20-21 and 52-53 over any art references. The outstanding Office Action indicates on page 12 that a search of art was apparently not performed regarding the features of Claims 20-21 and 52-53, despite the MPEP § 706.3(o) clearly requiring such a search. The MPEP states that

“if new matter is added only to a claim ... the new matter must be considered as part of the claimed subject matter and cannot be ignored.”¹

¹ MPEP § 706.3(o).

As no rejection of Claim 20-21 and 52-53 over art references has been made, these claims are considered to be allowable, as the 35 U.S.C. § 112, first paragraph, rejection has been overcome.

Further, Applicants respectfully submit that all previous rejections of Claims 20-21 and 52-53 have been overcome. The outstanding Office Action provides a detailed response to the Amendment filed on June 9, 2008. In this response, the outstanding Office Action asserts that the arguments regarding Claims 20-21 and 52-53 filed on June 9, 2008, were not persuasive because U.S. Patent 5,872,643 to Maeda et al. (hereafter “the ‘643 patent”) cures the deficiencies of the combination of the ‘257 patent and U.S. Patent No. 5,485,203 to Nakamura et al. (hereafter “the ‘203 patent”) cited against Claims 20-21 and 52-53 in the Office Action of April 8, 2008. However, the ‘643 patent was not cited in the Office Action of April 8, 2008. By relying on a new reference to cure the deficiencies of the combination of the ‘257 patent and the ‘203 patent identified in the Amendment of June 9, 2008, the outstanding Office Action acknowledges these identified deficiencies. Therefore, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of Claims 20-21 and 52-53 raised in the Office Action of April 8, 2008, has been overcome.

Further, Applicants respectfully submit that the ‘643 patent does not cure the deficiencies of the combination of the ‘257 patent and the ‘203 patent. Claim 20 recites a *second magnification unit that magnifies data of a second component signal...different from the first component signal...based on a ratio between the data of the first component signal... and the data of the second component signal..., and the magnified data of the first component signal magnified by the first magnification unit.* The ‘643 patent describes a film image reproducing apparatus capable of enlarging and reproducing a part of a film negative. The ‘643 patent describes an approach for measuring the chrominance of a background and of a subject in front of this background on a color film, to calculate an

appropriate light measurement and an appropriate color measurement to use in the enlarged image. In column 9, lines 44-56, the '643 patent describes "color difference signals (R-G, B-G)," which are known as the **chrominance**. Further, the '643 patent describes that a "color difference ratio (R-G)/(B-G)" is used to determine whether a given photograph was taken against the sun, in fluorescent light, or even under water. However, Applicants respectfully submit that the determination of whether a photograph was taken against the sun or under water, has nothing to do with a second magnification unit as recited in Claim 20.

Specifically, the '643 patent describes a ratio of **chrominance signals** (i.e. R-G, and B-G) but is silent regarding a ratio of one component signal and a further component signal. (R-G is **NOT a component signal**, but rather a **difference** signal or a **chrominance** signal). Further, the '643 patent is silent regarding *magnified data of the first component signal magnified by the first magnification unit*.

Therefore, the '643 patent fails to teach or suggest a *second magnification unit that magnifies data of a second component signal...different from the first component signal...based on a ratio between the data of the first component signal... and the data of the second component signal..., and the magnified data of the first component signal magnified by the first magnification unit*, as recited in Claim 20.

Accordingly, Applicants respectfully submit that claims 20-21 and 52-53 are allowable.

New Claims 66 and 67 have been added to vary the scope of patent protection. Claims 66 and 67 are supported at least by Applicants' Figure 17 and associated text, thus no new matter has been added. Claims 66 and 67 are believed to be allowable at least by virtue of dependency from Claims 20 and 52, respectively.

Claims 24, 26, 27, 56, 58, and 59 have been canceled, rendering their rejections moot.

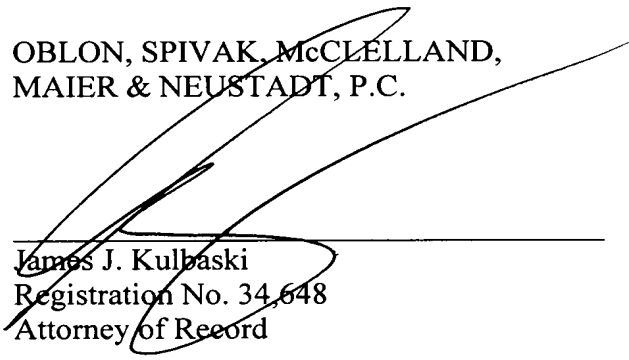
Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)



James J. Kulbaski
Registration No. 34,648
Attorney of Record

Andrew T. Harry
Registration No. 56,959